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| AMENDMENT TRANSMITTAL LETTER | | | Docket No. SPINE 3.0-437 CIP CIP CIP CIP CIP CON VI |
| Application No. 10/642,529-Conf. #3170 | Filing Date August 15, 2003 | Examiner B. E. Pellegrino | Art Unit 3738 |

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: INTERVERTEBRAL SPACER DEVICE HAVING A CIRCUMFERENTIALLY BURIED WIRE MESHENDPLATE ATTACHMENT DEVICE

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|----------------------------------|--------------------------------|-----------------------------|------|---|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 20 | - 20 = | 0 | x 0 | 0 |
| Independent Claims | 2 | - 1 = | | x | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 0 |

- ☒ Large Entity ☐ Small Entity
- ☐ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. 12-1095 in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Raymond Garguilo, Jr.
Attorney/Agent Reg. No.: 50,930

Dated: April 6, 2006

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 6, 2006

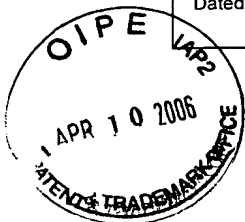
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Dated: April 6, 2006

Signature:

(Raymond Garguilo, Jr.)



Docket No.: SPINE 3.0-437 CIP CIP CIP CIP CIP CON VI
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/642,529

Filed: August 15, 2003

For: INTERVERTEBRAL SPACER DEVICE
HAVING A CIRCUMFERENTIALLY
BURIED WIRE MESH ENDPLATE
ATTACHMENT DEVICE

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: Group Art Unit: 3738
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: Examiner: B. E.
Pellegrino
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:
:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Official Action mailed October 6, 2005, Applicants submit the following amendments and remarks.

A Petition for a Three-Month Extension of Time thereby extending the time for responding to the Official Action from January 6, 2006 to April 6, 2006 is submitted herewith.

A Terminal Disclaimer is submitted herewith eliminating the co-pending application 10/642,522 as prior art.